

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED

05 APR 22 PM 4:07

ROBERT R. DILLON  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 04-20390 B

RICK L. WOOD and  
DOSEY NEWTON,

Defendants.

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ORDER DENYING DEFENDANT WOOD'S MOTION TO RESET SENTENCING HEARING

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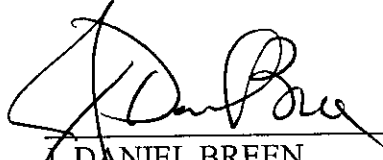
Before the Court is the April 21, 2005 motion of the Defendant, Rick Wood, to reset the sentencing hearing currently scheduled for May 5, 2005. Under the Local Rules of this district, "[a]ll non-substantive motions . . . shall be accompanied by a certificate of counsel . . . affirming that, after consultation between prosecution and defense counsel, they are unable to reach an accord as to the action requested by the motion." LCrR12.1(a), Local Rules of the U. S. Dist. Ct. for the W. Dist. of Tenn. (the "Rule"). The Rule further provides that "[f]ailure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion." *Id.* Counsel's statement in his motion that "[i]t is believed AUSA Rae Oliver for the Government will not object" falls short of compliance with the Rule.<sup>1</sup> Thus, the motion is DENIED without prejudice.

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<sup>1</sup>The Court notes that this is the third time a motion filed by Wood's counsel has been denied for violation of the Local Rules. Counsel is admonished that he is expected, as are all attorneys who practice before this Court, to familiarize himself with and follow the Local Rules of this district.

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IT IS SO ORDERED this 21<sup>st</sup> day of April, 2005.



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J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 75 in case 2:04-CR-20390 was distributed by fax, mail, or direct printing on April 25, 2005 to the parties listed.

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Sara F. Merritt  
LAW OFFICE OF SARA F. MERRITT  
3109 Kiehl Ave.  
Sherwood, AR 72120

Edward W. Chandler  
LAW OFFICE OF EDWARD CHANDLER  
243 Germantown Bend Cove  
Cordova, TN 38018

Valeria Rae Oliver  
U.S. ATTORNEY'S OFFICE  
167 N. Main St.  
Ste. 800  
Memphis, TN 38103

Honorable J. Breen  
US DISTRICT COURT